

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SASH BALASINKAM,

Plaintiff,

-against-

ANIMAL CARE CENTER OF
MANHATTAN,

Defendant.

25-CV-1668 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action invoking the Court’s federal question jurisdiction, 28 U.S.C. § 1331. In the complaint, Plaintiff alleges that on January 11, 2025, officers of the New York City Police Department (NYPD) took him into custody and transported him to Lincoln Hospital. During his hospitalization, unidentified “authorities” who are not named in this action took his Australian Shepherd puppy, and the puppy was “transferred to the Animal Care Center of Manhattan.” (ECF 1 at 1.) He names the Animal Care Center of Manhattan as the sole defendant.

Plaintiff already has a pending action, however, in which he also alleges that on January 11, 2025, officers of the New York City Police Department (NYPD) took him into custody and transported him to Lincoln Hospital. That action, which Plaintiff brings against the NYPD, the City of New York, and Lincoln Hospital, is pending under docket number 25-CV-1667. In that complaint, Plaintiff also alleges that his “Australian Shepherd puppy was taken by the authorities and transferred to an unknown rescue group, causing significant emotional distress.” 25-CV-1667, ECF 1 at 2.

Because Plaintiff raises the same claims in this complaint that he has already raised in the action under docket number 25-CV-1667, no useful purpose would be served by litigating this

duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending action under docket number 25-CV-1667. If Plaintiff is asserting some separate claim against the Animal Care Center of Manhattan arising from these facts, he may, consistent with Rule 15 of the Federal Rules of Civil Procedure, amend his complaint in the action under docket number 25-CV-1667 to include such claims.

CONCLUSION

Plaintiff's complaint is dismissed without prejudice as duplicative of his pending claims in the action under docket number 25-CV-1667.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to close the action under this docket number.

SO ORDERED.

Dated: February 27, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge